

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the

Eastern District of Oklahoma



Division

Ryan Vanwinkle

Case No.

21 CIV 324 JFH

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Coweta Police Department and
Curtis Paslay, Scott Fralay.

Jury Trial: (check one) ☒ Yes ☐ No**FILED**

OCT 27 2021

PATRICK KEANEY
Clerk, U.S. District Court

By _____
Deputy Clerk

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name
Address

Ryan Vanwinkle

14028 South 293rd E Ave., Apt. 1

Coweta

OK

74429

City

State

Zip Code

County

Wagoner

Telephone Number

(918) 815 - 9556

E-Mail Address

ryan@epicdad.org

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Coweta Police Department

Job or Title (if known)

Address

212 N. Broadway

Coweta

OK

74429

City

State

Zip Code

County

Wagoner

Telephone Number

(918) 486 - 2121

E-Mail Address (if known)

☐

Individual capacity

☒

Official capacity

Defendant No. 2

Name

Curtis Paslay

Job or Title (if known)

Police Officer

Address

212 N Broadway

Coweta

OK

74429

City

State

Zip Code

County

Wagoner

Telephone Number

E-Mail Address (if known)

☒

Individual capacity

☐

Official capacity

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Defendant No. 3

Name

Scott Fraley

Job or Title (if known)

Police Officer

Address

212 N. Broadway

Coweta

OK

74429

City

State

Zip Code

County

Wagoner

Telephone Number

E-Mail Address (if known)

☒ Individual capacity
 ☐ Official capacity

Defendant No. 4

Name

Job or Title (if known)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

☐ Individual capacity
 ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
- ☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials? 42 U.S.C.A. § 1983 (2020), 18 U.S. Code § 1001, (18 U.S.C. § 1001) is the common name for the United States federal process crime laid out in Section 1001 of Title 18 of the United States Code, which generally prohibits knowingly and willfully making false or fraudulent statements, or concealing information, in “any matter within the jurisdiction” of the federal government of the United States.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
- Officer Curtis Paslay while on duty provided maliciously exaggerated villainous by providing lies about past convictions in his report to assist Lidia Jaramillo Gonzalez Vanwinkle in obtaining a Protective Order as well as an attempt to bring criminal charges against Ryan Vanwinkle. Officer Fraley while on duty signed agreeing to Officer Paslay's statements as well as included many false statements of his own. The Plaintiff has concerns that this behavior is tolerated in the Coweta Police on a normalcy.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?
In the city of Coweta, County of Wagoner, State of Oklahoma.
- B. What date and approximate time did the events giving rise to your claim(s) occur?
Between July 16th and September 31st.
- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)
Officer Curtis Paslay provided maliciously exaggerated villainous by providing lies about past convictions in his report to assist Lidia Jaramillo Gonzalez Vanwinkle in obtaining a Protective Order as well as an attempt to bring criminal charges against Ryan Vanwinkle. Officer Fraley signed agreeing to Officer Paslay's statements. Documents altered were submitted to Wagoner County Judge and District Attorney.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Mental stress and paranoia from fear of further herassment from Coweta Police Officers.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

1. \$100,000 in granted relief from the Coweta Police Department - The officers mentioned acted under the authority of the Coweta Police Department and in attempt to ensure a protective order and in an attempt to bring criminal charges, ruining the charachter of Ryan Vanwinkle. Due to the Officers misleading information, Mr. Vanwinkle has not been able to see nor speak with his children that he has raised most of their lifes as a single parent. Mr. Vanwinkle has since the incident been able to provide video evidence, and statements, reciepts and recordings that show these officers failed to investigate before submitting their information. There lack of ability to investigate and false statements ruined Ryan Vanwinkles reputation he had worked to reuild as well as there false statements concerning Ryan Vanwinkl'e past was misleading to the State of Oklahoma.

2. Temporary Restraining Order from harassment of the Defendant, as the Plaintiff is in fear of his life and safety due to possible retaliation.

3. The Plaintiff fears that the Defendants actions is not a first time action and questions how many reports have these officer and/or Police Department allowed to be falsified to ensure Protective Orders, arrest and convictions.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

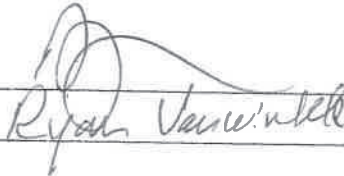
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10-27-2021

Signature of Plaintiff

Printed Name of Plaintiff


Ryan VanWinkle

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address